

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Michelle McKenna,

Plaintiff

V.

David Z. Chesnoff, Ctd. P.C., et al.,

Defendant

No: 2:14-cv-1773-JAD-CWH

Order Regarding Summary Judgment Briefing

[ECF 38, 39, 40, 45]

10 Defendants have moved for summary judgment on a portion of plaintiff Michelle McKenna's
11 claims in this legal-malpractice action.¹ Although McKenna responded to the motion in December²
12 and the defendants replied,³ critical discovery had not yet been completed, and McKenna has since
13 filed a flurry of requests aimed at supplementing her response.⁴ So, what should have been a three-
14 docket-entry briefing process has already yielded ten entries with a still-evolving record that makes it
15 difficult for me to even determine what McKenna's current position on the summary-judgment
16 issues is.

17 It is well established that district courts have the inherent power to control their dockets and
18 manage their affairs; that includes the power to strike or deny motions to streamline motion practice
19 and promote judicial efficiency.⁵ In light of this fractured and unnecessarily lengthy approach to
20 summary-judgment briefing that has occurred, coupled with the continually evolving state of the
21 record, I find that the most judicially economical way to manage this situation is to exercise my
22 inherent power to manage the docket, and essentially order a do-over of McKenna's response to the

24 ||¹ ECF 31.

25 | ² ECF 34.

26 || ³ ECF 37.

27 || 4 ECF 38-40, 45.

²⁸ ⁵ *Ready Transp. v. AAR Mfg.*, 627 F.3d 402, 404–05 (9th Cir. 2010).

1 motion for summary judgment and the defendants' reply brief.

2 Accordingly, I will disregard McKenna's original response [ECF 34] and the defendants'

3 reply [ECF 37], deny as moot McKenna's Motion for Oral Argument, Motion for Leave to File a

4 Surreply, Motion for Leave to File a Supplemental Brief, and the Stipulation to Extend the Briefing

5 Schedule for the Surreply and Supplemental Brief [ECF 38–40, 45], and disregard McKenna's

6 Supplement to her motion for leave and the notice of non-opposition [ECF 41, 44]. McKenna has

7 until April 22, 2016, to file a single response to the motion for partial summary judgment [ECF 31].

8 This response should contain all arguments, facts, and requests that McKenna wishes to make in

9 response to the defendants' motion. The defendants will then have until May 9, 2016, to file their

10 reply brief. The page limitations in Local Rule 7-4 apply. The parties must heed local rule 10-3(a)'s

11 admonition that exhibits must not be "unnecessarily voluminous." And any evidence must be

12 properly authenticated or the court will not consider it.⁶

13 Accordingly, it is HEREBY ORDERED that Plaintiff Michelle McKenna's Request for Oral

14 Argument or, in the Alternative (1) Motion for Leave to File Surreply, and (2) Motion for Leave to

15 File a Supplemental Brief, and the Stipulation to Extend the Briefing Schedule for the Surreply and

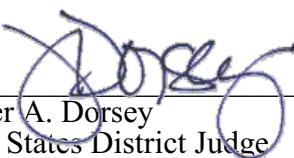
16 Supplemental Brief [ECF 38, 39, 40, 45] are DENIED.

17 IT IS FURTHER ORDERED THAT McKenna has until April 22, 2016, to file a single

18 response to the motion for partial summary judgment [ECF 31] that complies with this order and

19 all applicable rules. The defendants will then have until May 9, 2016, to file their reply brief.

20 DATED: March 31, 2016

21 
 22 Jennifer A. Dorsey
 23 United States District Judge

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26

27 ⁶ See *Orr v. Bank of Am., NT & SA*, 285 F.3d 764, 774 (9th Cir. 2002) (rules for authenticating deposition transcripts); *Randazza v. Cox*, 2014 WL 1407378 (D. Nev. Apr. 10, 2014) (instructions for authenticating other types of documents for summary judgment).